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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SUSUMU SENSU : EXAMINER: NALVEN, ANDREW L.
SERIAL NO: 10/500,851 :
FILED: JULY 16, 2004 : GROUP ART UNIT: 2134
FOR: RECORDING SYSTEM AND :
METHOD, RECORDING APPARATUS
AND METHOD, INPUT DEVICE AND
METHOD, PLAYBACK SYSTEM AND
METHOD, PLAYBACK APPARATUS
AND METHOD, RECORDING MEDIUM,
AND PROGRAM

RESPONSE TO A RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated October 12, 2007, Applicants provisionally elect with traverse Group I, Claims 1-9, drawn to a recording system including an input device and recording apparatus with determination means to determine when input content is to be protected, classified in class 380, and subclass 200 for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Restriction Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the restriction requirement be withdrawn, and that a full examination on the merits of Claims 1-9 be conducted.


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22850

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Respectfully submitted,

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